

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: George Edward Berkey, et al.

Serial No: 10/696928

Art Group Unit: 2883

Filing Date: October 30, 2003

Examiner: Ryan Lepisto

Title: SINGLE POLARIZATION OPTICAL  
FIBER LASER AND AMPLIFIER

**RESPONSE**

Commissioner for Patents  
Alexandria, VA 22313-1450

**RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT**

In the Office Action dated May 27, 2005 the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group I. Claims 1-19, drawn to an optically active linear single polarization device and laser, classified in class 385, subclass 141;
- Group II. Claim 20, drawn to a method of generating an output beam, pumping and aligning a fiber, classified in class 385, subclass 73.1.

The Examiner asserted that these inventions may be regarded as independent and distinct from one another because Inventions II and I are related, respectively, as a process and an apparatus for its practice. The Examiner further asserts that the inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05 (e)). In this case, the Examiner maintains that the apparatus claimed, i.e. the optically active linear single polarization device, can be used to practice another and materially different process, for example, (a) obtaining fluorescence outside the gain bandwidth and/or overlapping different spectral region of the gain profile, or (b) as a source device for any optical application needing a laser input or output.

Applicants provisionally elect the claims associated with Invention I, i.e. claims 1-19, for examination and further prosecution subject to the traversal below.

Applicants respectfully traverse the Examiner's Restriction Requirement on the grounds that the proposed inventions are inextricably intertwined, and prosecution of the proposed groups of claims together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues and evaluations for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

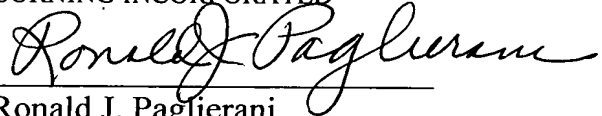
As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement in the next subsequent Office Action, and continue prosecution of Groups I and II, claims 1- 20, together with one another.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Ronald J. Paglierani at (607)974-3332.

Respectfully submitted,

CORNING INCORPORATED

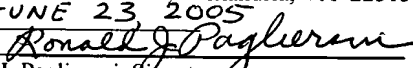


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Date: JUNE 23, 2005

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §**

**1.8:** I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Commissioner of Patents, Alexandria, VA 22313-1450 on JUNE 23, 2005

  
Ronald J. Paglierani, Signature